

A.R.D.C. No. 6186356

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DONNA DEBENEDETTI,)
v.)
Plaintiff,)
T.J. POTTER TRUCKING, INC. and)
THOMAS BARTKOWICZ,)
Defendants.)
No: 20-cv-525

NOTICE OF REMOVAL

NOW COMES the defendant, T.J. POTTER TRUCKING, INC., by and through their attorneys, MAISEL & ASSOCIATES, and pursuant to 28 USC §1441 and §1446, seeks to remove this cause to the United States District Court for the Northern District of Illinois. In further support hereof, this Defendant states as follows:

1. On December 11, 2019, there was commenced and now pending in the Circuit Court of Cook County, Illinois, a certain civil action under case number 2019 L 13642, in which the plaintiff, Donna Debenedetti, is seeking recovery for personal injuries as a result of a motor vehicle accident which allegedly occurred on October 26, 2018 in Proviso Township, Cook County, Illinois.

2. This lawsuit brought by the plaintiff, Donna Debenedetti, seeks recovery for damages and personal injuries based on a negligence theory. The named defendants are T.J. Potter Trucking, Inc. and Thomas Bartkowicz. The plaintiff, Donna Debenedetti, -525-is a citizen of the State of Illinois. The defendant, T.J. Potter Trucking, Inc., is a

citizen of the State of Minnesota and Thomas Bartkowicz is also a citizen of the State of Minnesota.

3. The aforementioned lawsuit brought by the plaintiff seeks damages in excess of \$75,000.00.

4. The defendant states that the lawsuit brought on behalf of Donna Debenedetti involves a controversy with complete diversity of citizenship between citizens of different states. These defendants affirmatively state that:

- a. The plaintiff was at the commencement of this action, and is now, a citizen of the State of Illinois.
- b. The defendant, T.J. Potter Trucking, Inc. is a corporation duly created and organized under the laws of Minnesota with its principal place of business in Wisconsin and was not created or organized under the laws of the State of Illinois, nor does it have its principal place of business in Illinois. The defendant, T.J. Potter Trucking, Inc., is a citizen of the State of Minnesota and its business is located at 13000 Sherburne Avenue, Becker, Minnesota.
- c. The defendant, Thomas Bartkowicz, was at the commencement of this action, and is now, a citizen of the State of Minnesota and resides at 11334 U.S. Highway 71 N. Sauke Center, Minnesota 56378.

5. Since this matter involves a controversy between individuals who are citizens of the State of Illinois, a corporation that is a citizen of the State of Minnesota, as well as an individual who is a citizen of the State of Minnesota, this defendant requests removal of this action from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois, Eastern Division. Attached hereto and made a part hereof as Group Exhibit "A" are copies of the following documents filed by the plaintiff and the defendants in the Circuit Court of Cook County, Illinois under case number 2019 L 6827:

- a. Plaintiff's Complaint at Law;

- b. Summons directed to T.J. Potter Trucking, Inc.;
- c. Appearance and Jury Demand on behalf of T.J. Potter Trucking, Inc.;

WHEREFORE, the defendant, T.J. POTTER TRUCKING, INC., prays that they may affect removal of this action from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois, Eastern Division, and that this matter be tried before a jury.

Respectfully submitted,

MAISEL & ASSOCIATES

By: /s/Joseph J. Wilson

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